

# **EXHIBIT “B”**

**U.S. District Court  
Eastern District of New York (Central Islip)  
CIVIL DOCKET FOR CASE #: 2:11-cv-00509-JFB -AKT**

Balk v. New York Institute of Technology et al  
Assigned to: Judge Joseph F. Bianco  
Referred to: Magistrate Judge A. Kathleen Tomlinson  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 02/01/2011  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**Dennis Balk**

represented by **Randy M. Kornfeld**  
Kornfeld & Associates P.C.  
570 Lexington Avenue  
17th Floor  
New York, NY 10022  
212-759-6767  
Fax: 212-759-6766  
Email: [rkornfeld@kornfeldassociates.com](mailto:rkornfeld@kornfeldassociates.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**New York Institute of Technology**

represented by **Neil G. Sparber**  
Fulbright & Jaworski L.L.P.  
666 Fifth Avenue  
New York, NY 10103-3198  
(212) 318-3000  
Fax: (212) 318-3400  
Email: [nsparber@fulbright.com](mailto:nsparber@fulbright.com)  
**ATTORNEY TO BE NOTICED**

**Samantha E Beltre**  
Fulbright and Jaworsky LLP  
666 Fifth Avenue  
New York, NY 10103  
(212)318-3451  
Fax: (212)318-4000  
Email: [sbeltre@fulbright.com](mailto:sbeltre@fulbright.com)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Infotec Corporation**

Date Filed	#	Docket Text
02/01/2011	1	COMPLAINT against Infotec Corporation, New York Institute of Technology Disclosure Statement on Civil Cover Sheet completed -No., filed by Dennis Balk. (Attachments: # <a href="#">1</a> Civil Cover Sheet) (Russo, Eric) (Main Document 1 replaced on 4/5/2011) (Russo, Eric). (Entered: 02/04/2011)
02/01/2011		Summons Issued as to Infotec Corporation, New York Institute of Technology. (Russo, Eric) (Entered: 02/04/2011)
02/01/2011		FILING FEE: \$ 350.00, receipt number 4653024891 (Russo, Eric) (Entered: 02/04/2011)
02/04/2011		Case Ineligible for Arbitration (Bollbach, Jean) (Entered: 02/04/2011)
02/08/2011		ORDER. IT IS HEREBY ORDERED that the case is referred to the assigned Magistrate Judge, under Local Civil Rule 72.2, for all non-dispositive pre-trial matters. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/8/2011. (Nagiel,

		Svetlana) (Entered: 02/08/2011)
02/10/2011	<u>2</u>	SUMMONS Returned Executed by Dennis Balk. New York Institute of Technology served on 2/2/2011, answer due 2/23/2011. (Kornfeld, Randy) (Entered: 02/10/2011)
02/22/2011	<u>3</u>	Letter MOTION for Extension of Time to File Answer re <u>1</u> Complaint ( <i>unopposed by Plaintiff's Counsel</i> ) by New York Institute of Technology. (Sparber, Neil) (Entered: 02/22/2011)
02/23/2011		ORDER granting <u>3</u> Motion for Extension of Time to Answer. New York Institute of Technology answer due 3/23/2011. Ordered by Magistrate Judge A. Kathleen Tomlinson on 2/23/2011. (Reifman, Marli) (Entered: 02/23/2011)
03/23/2011	<u>4</u>	Letter MOTION for pre motion conference by New York Institute of Technology. (Beltre, Samantha) (Entered: 03/23/2011)
03/24/2011	<u>5</u>	Letter to Judge Bianco by Dennis Balk (Sibony, Oren) (Entered: 03/24/2011)
03/28/2011	<u>6</u>	Letter <i>DATED 03-28-11 IN RESPONSE TO LETTER DATED 03-23-11 REQUESTING PRE-MOTION CONFERENCE</i> by Dennis Balk (Sibony, Oren) (Entered: 03/28/2011)
04/05/2011	<u>7</u>	Letter <i>concerning Courtesy Copy dated 04-05-11</i> by Dennis Balk (Sibony, Oren) (Entered: 04/05/2011)
04/11/2011		SCHEDULING ORDER. The Court has received defendant's letter dated March 23, 2011 requesting leave to file a motion to dismiss the complaint. The Court has also received plaintiff's response in a letter dated March 28, 2011. IT IS HEREBY ORDERED that the parties shall participate in a telephone pre-motion conference on April 21, 2011 at 3:00 p.m. At that time, defendant shall initiate the call and, once all parties are on the line, shall contact Chambers at (631) 712-5670. SO ORDERED. Ordered by Judge Joseph F. Bianco on 4/11/2011. (Nagiel, Svetlana) (Entered: 04/11/2011)
04/21/2011	<u>8</u>	Minute Entry for proceedings held before Judge Joseph F. Bianco: Telephone Pre Motion Conference held on 4/21/2011. Appearances: For plaintiff Randy Kornfeld present. For defendant: Neil Sparber present. Case called. Counsel for all sides present. Motion to be filed by 5/23/2011; Response due by 6/23/2011; Reply by 7/7/2011. Oral argument set for 7/27/2011 at 4:30 pm. (Tape #3:29-3:19.) (Padilla, Kristin) (Entered: 04/21/2011)
04/25/2011	<u>9</u>	CERTIFICATE OF SERVICE by Dennis Balk by registered mail return receipt requested – summons and complaint done by clerk of USDC EDNY on 4/25/11 (Bollbach, Jean) (Entered: 04/26/2011)
05/23/2011	<u>10</u>	Corporate Disclosure Statement by New York Institute of Technology (Beltre, Samantha) (Entered: 05/23/2011)
05/23/2011	<u>11</u>	MOTION to Dismiss <i>complaint</i> by New York Institute of Technology. (Beltre, Samantha) (Entered: 05/23/2011)
05/23/2011	<u>12</u>	AFFIDAVIT/DECLARATION in Support re <u>11</u> MOTION to Dismiss <i>complaint</i> filed by New York Institute of Technology. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (Beltre, Samantha) (Entered: 05/23/2011)
05/23/2011	<u>13</u>	MEMORANDUM in Support re <u>11</u> MOTION to Dismiss <i>complaint</i> filed by New York Institute of Technology. (Beltre, Samantha) (Entered: 05/23/2011)
05/23/2011	<u>14</u>	AFFIDAVIT of Service for Rule 7.1 Corporate Disclosure Statement, Notice of motion to dismiss the Complaint, Affidavit of Samantha Beltre with exhibits and Memorandum of Law in Support of Motion to dismiss the Complaint served on Kornfeld & Associates, P.C. attorneys for Plaintiff on May 23, 2011, filed by New York Institute of Technology. (Beltre, Samantha) (Entered: 05/23/2011)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ APR 26 2011 ★

LONG ISLAND OFFICE

**Registered No.**

RE648246675US

**Date Stamp**

To Be Completed  
By Post Office

Reg. Fee	\$11.50
Handling Charge	\$0.00
Postage	\$7.39

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Customer Must Declare  
Full Value \$40.00

Domestic Insurance up to \$25,000 is included  
based upon the declared value. International  
Indemnity is limited. (See Reverse).



To Be Completed By Customer  
(Please Print)  
All Entries Must Be In Ballpoint or Typed

FROM	KORNFELD & ASSOCIATES, P.C. 570 LEXINGTON AVE., 17TH FLOOR NEW YORK, NY 10022 <i>4.11-509 JFB</i>
TO	INFOTEC CORPORATION C/O A.KAKOFENGITIS & CO. ZINAS KANTHER 4 3035, LIMASSOL CYPRUS

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer  
May 2007 (7530-02-000-9051) (See Information on Reverse)  
For domestic delivery information, visit our website at [www.usps.com](http://www.usps.com) ®

**KORNFELD & ASSOCIATES, P.C.**

ATTORNEYS AT LAW

570 LEXINGTON AVENUE

17TH FLOOR

NEW YORK, NY 10022

RANDY M. KORNFELD

OREN L. SIBONY

OF COUNSEL

SAMUEL L. BRAUNSTEIN \*  
AMY E. TODISCO \*\*

ADMITTED IN CT & TEXAS \*  
ADMITTED IN CT ONLY \*\*

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ONE ELIOT PLACE  
FAIRFIELD, CONNECTICUT 06430  
(203) 254-1118  
FACSIMILE (203) 254-2453

**BY HAND DELIVERY**

April 19, 2011

Clerk of Court  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Cash → \$20 — returned  
on 4/21/11 (M2)  
Picked up by:  
Christopher J. Mikellis  
Date: 4/21/11

*Re:* Dennis Balk v. New York Institute of Technology and Infotec Corporation  
11-cv-0509 (JFB) – Service of Process as to Infotec Corporation

Dear Madam or Sir:

We represent plaintiff Dennis Balk in the above-referenced matter.

This letter shall serve as a request to have the enclosed Summons in a Civil Action and Complaint served by the Clerk of Court on defendant Infotec Corporation (“Infotec”) in the care of Infotec’s registered agent, A. Kakofengitis & Co., in the Republic of Cyprus by international registered mail, return receipt requested, in accordance with Rule 4(f)(2)(C)(ii) of the Federal Rules of Civil Procedure and Article 10(a) of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (the “Hague Convention”).

The address where Infotec is to be served is as follows:

Infotec Corporation  
c/o A. Kakofengitis & Co.  
Zinas Kanther 4  
3035, Limassol CYPRUS

Infotec is a business registered in the Republic of Cyprus who, upon information and belief, transacts business in English in Egypt, Bahrain and other Middle East countries. In

**KORNFELD & ASSOCIATES, P.C.**

Clerk of Court

Eastern District of New York

April 19, 2011

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addition, Infotec is a party to an English-language contract by and between Infotec and New York Institute of Technology, co-defendant in this action. In view of the foregoing, we do not believe it is necessary to provide any translation of the enclosed Summons in a Civil Action and Complaint in order to effect service of process upon Infotec.

In addition to two copies of the Summons in a Civil Action (one copy to be served on Infotec with the Complaint and one for the Court's records) and one copy of the Complaint in the above-referenced action (to be served on Infotec), the following items are also enclosed:

- (1) an envelope addressed to Infotec in the care of its registered agent, A. Kakofengitis & Co.;
- (2) a pink return receipt card (Postal Service Form 2856) addressed to Infotec in the care of its registered agent with the return address for the Clerk of Court and the index number for this action included on the upper left hand corner of the card;
- (3) a white return receipt card (Postal Service Form 3806) addressed to Infotec in the care of its registered agent with the return address for this firm; and
- (4) cash in the amount of \$20.00 sufficient for postage, registration and return receipt fees.

We respectfully request that the enclosed Summons in a Civil Action and Complaint be served as soon as possible.

Please do not hesitate to contact this office should you have any questions or concerns.

Very truly yours,

RANDY M. KORNFELD

RMK/cjm

Encl. (Two copies of the Summons in a Civil Action in this action;  
One copy of the Complaint in this action;  
An envelope addressed to Infotec Corporation, c/o A. Kakofengitis & Co.;  
Postal Service Form 2865;  
Postal Service Form 3806; and  
Cash in the amount of \$20)

cc: Samantha Beltre, Esq. (without enclosures; by PDF e-mail)  
Fulbright & Jaworski, LLP  
*Counsel for Defendant New York Institute of Technology*

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Dennis Balk

)

*Plaintiff*

)

v.

)

Civil Action No. 11-cv-0509 (JFB)

New York Institute of Technology, and  
Infotec Corporation

)  
)

*Defendant*

)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* New York Institute of Technology  
Northern Boulevard  
Old Westbury, NY 11568

Infotec Corporation  
c/o A. Kakofengitis & Co.  
Zinas Kanther 4  
3035, Limassol Cyprus

A lawsuit has been filed against you.

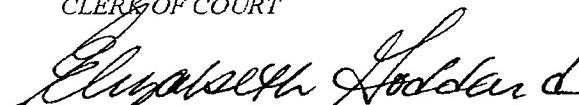
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Randy Kornfeld  
Kornfeld & Associates, P.C.  
570 Lexington Avenue, 17th Floor  
New York, NY 10022

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**ROBERT C. HEINEMANN**

CLERK OF COURT



Signature of Clerk or Deputy Clerk

Date: APR 12 2011

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. 11-cv-0509 (JFB)

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

- I personally served the summons on the individual at *(place)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_,  
a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_; or
- Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_ *Server's signature*

*Printed name and title*

*Server's address*

Additional information regarding attempted service, etc: